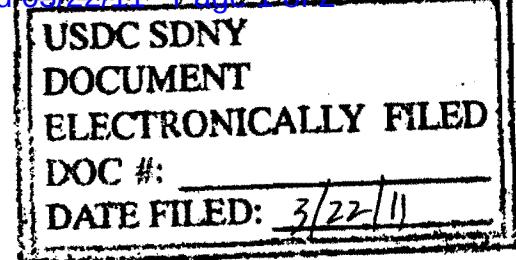


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



VICTOR GARCIA, : 06 Civ. 10196 (SHS)

Petitioner, :

-against- : ORDER

DARWIN LACLAIR, SUPERINTENDENT, :
GREAT MEADOW CORRECTIONAL :
FACILITY, :

Respondent. :

SIDNEY H. STEIN, U.S. District Judge.

On January 3, 2011 Magistrate Judge Debra Freeman issued a Report and Recommendation recommending that Garcia's petition be dismissed. On February 28, 2011, the Court received petitioner's "Objections to Report and Recommendation" and on March 15, 2011, the Court received petitioner's "Request for Judicial Notice Pursuant to Rule §201." After a *de novo* review of the January 3, 2011 Report and Recommendation and petitioner's submissions,

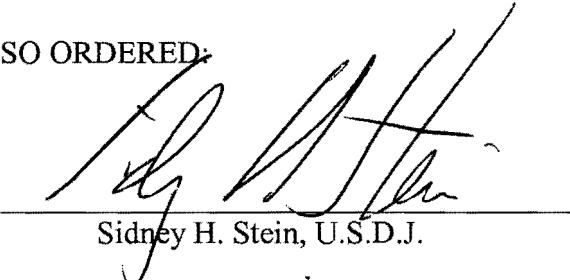
IT IS HEREBY ORDERED that:

1. Magistrate Judge Freeman's Report and Recommendation is adopted;
2. The petition for a writ of *habeas corpus* is denied, and the petition is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
March 22, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.